

Sixth Appellate District

San Jose, California

MONDAY, FEBRUARY 9, 2009

H031803 PEOPLE v. BIRELAS

The judgment is modified to reflect defendant's conviction of attempted robbery on count 2. The trial court is directed to amend the abstract to conform to the judgment. As so modified, the judgment is affirmed. (not published)

(Elia, J.; We concur: Rushing, P.J., Premo, J.)

Filed February 9, 2009

H032733 PAJARO WALL STREET INN, LLC. v. CIBA INSURANCE SERVICES, et al.

The judgment is affirmed. (not published)

(McAdams, J.; We concur: Bamattre-Manoukian, Acting P.J., Duffy, J.)

Filed February 9, 2009

H032328 PEOPLE v. GARCIA

The judgment is affirmed. (not published)

(Bamattre-Manoukian, Acting P.J.; We concur: McAdams, J., Duffy, J.)

Filed February 9, 2009

TUESDAY, FEBRUARY 10, 2009

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Elia, Acting P.J.; Mihara, J.; McAdams, J.; and S. Nasson, Deputy Clerk.

H031637 DALIS, as Trustee, etc. v. REINHARD

Cause called and argued by Elliot Bien appearing for Appellant and by Frank Ubhaus appearing for Respondent. Cause ordered submitted.

Elia, Acting P.J. leaves the bench. Bamattre-Manoukian, Acting P.J. takes the bench.

H032794 CHAUDHARY on Habeas Corpus

Cause called and argued by Amber Wipfler, Deputy Attorney General, appearing for Appellant and by Keith Wattley appearing for Respondent. Cause ordered submitted.

Bamattre-Manoukian, Acting P.J. leaves the bench. Duffy, J. takes the bench.

H032258 ROSSIN v. ROSSIN

Cause called and argued by Mary Simpson appearing for Appellant and by Lance Russell appearing for Respondent. Cause ordered submitted.

Sixth Appellate District

San Jose, California

Tuesday, February 10, 2009 (continued)

H032755 SWIFT, et al. v. SUPERIOR COURT; MITCHELL, et al.

Cause called and argued by Marc Eisenhart appearing for Petitioners and by Douglas Maynard appearing for Real Parties in Interest. Cause ordered submitted. Court recesses until 1:30 p.m.

The Court reconvened at 1:30 p.m. in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Rushing, P.J.; Bamattre-Manoukian, J.; Duffy, J.; and Jane Valdez Flor, Deputy Clerk.

H032041 BREGANTE, et al. v. STEINBERG, et al.

Cause called and argued by Collette Nicole Pelcic appearing for Respondents and by Michael Kenneth Johnson appearing for Respondents. Cause ordered submitted.

Rushing, P.J. leaves the bench and McAdams, J. takes the bench.

H032175 PEOPLE v. GRANADOS

Cause called and argued by J. Frank McCabe appearing for Appellant and by Eric D. Share, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H032558 PEOPLE v. INNIS

Cause called and argued by Ramiah Shanti Brien appearing for Appellant and by Margo J. Yu, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H032402 CHANG v. LU

Cause called and argued by Arlo Garcia Uriarte appearing for Appellant and by Mark G. Bonino appearing for Respondent. Cause ordered submitted. Court is adjourned.

The following cases are submitted this date:

H033538 In re C.S.; SANTA CRUZ COUNTY HRA v. N.G.

H033084 In re B.M.' D.F.C.S. v. B.M., et al.

Sixth Appellate District

San Jose, California

Tuesday, February 10, 2009 (continued)

H031725 PEOPLE v. CHACON

The judgment is reversed. The trial court is directed to reinstate the judgment with the following modifications: (1) strike the conviction for count 12; (2) reduce the conviction for count 11 to a violation of Penal Code section 288, subdivision (a); (3) strike the \$70 AIDS education fund fine and \$119 penalty assessment; and (4) impose a concurrent three-year sentence for count 11--unless it elects to impose or the People elect within 10 days of the remittitur of record to argue for a different sentence for count 11, in which case it must arraign defendant for judgment and sentencing. (not published)  
(Premo, J.; We concur: Rushing, P.J., Elia, J.)  
Filed February 10, 2009

H030765 PEOPLE v. PULIZZI

The judgment is affirmed. (not published)  
(Rushing, P.J.; We concur: Premo, J., Bamattre-Manoukian, J.)  
Filed February 10, 2009

H032222 COUNTY OF SANTA CRUZ v. CIVIL SERVICE COMMISSION OF SANTA CRUZ; JACK

The judgment denying the petition for a writ of mandate is reversed. The trial court is directed to enter a new and different order granting the writ as prayed. (not published)  
(Rushing, P.J.; We concur: Premo, J., Elia, J.)  
Filed February 10, 2009

WEDNESDAY, FEBRUARY 11, 2009

(no minute approved orders)

FRIDAY, FEBRUARY 13, 2009

H032235 PEOPLE v. GARIBAY

By the Court\*:

Appellant's petition for rehearing is denied.  
Filed: February 13, 2009  
\*Before Rushing, P.J., Mihara, J. and McAdams, J.

H032622 PEOPLE v. ABUNDIZ

By the Court:

On the court's own motion, the submission order in the above-entitled matter dated December 5, 2008, is hereby vacated and the matter is set for oral argument on Tuesday, March 3, 2009, at 1:30 p.m. The cause will be resubmitted upon completion of oral argument.

Dated: February 13, 2009 Bamattre-Manoukian, Acting P.J.  
Friday, February 13, 2009 (continued)

H032863 PEOPLE v. FRIDAY

Sixth Appellate District

San Jose, California

The judgment is affirmed. (not published)  
(Elia, J.; We concur: Rushing, P.J., Premo, J.)  
Filed February 13, 2009

H031705 DOYLE AS CITY ATTORNEY, ETC. v. PACIFIC GAS AND ELECTRIC  
COMPANY

By the Court:

On the court's own motion, the submission order in the  
above-entitled matter dated January 22, 2009, is hereby vacated.  
The court by separate letter issued February 13, 2009, has  
requested supplemental briefing from the parties. The cause will  
be resubmitted upon completion of supplemental briefing.

Dated: February 13, 2009 Rushing, P.J.